

**MINUTES OF THE CITY COMMISSION MEETING  
AUGUST 23, 2004**

The City of Leesburg Commission held a regular meeting Monday, August 23, 2004, in the Commission Chambers at City Hall. Mayor Knowles called the meeting to order at 5:30 p.m. with the following members present:

Commissioner John Christian  
Commissioner Bob Lovell  
Commissioner Ben Perry  
Commissioner Lewis Puckett  
Mayor David Knowles

Also present were City Manager (CM) Ron Stock, City Clerk (CC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

Commissioner Lovell gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD  
AUGUST 9, 2004**

Commissioner Lovell moved to approve the City Commission minutes of the regular meeting held Monday, August 9, 2004. Commissioner Perry seconded the motion and it carried unanimously.

**RECEIVED THREE CHARCOAL PORTRAITS OF EVANDER LEE FROM TOVA  
RAMSDELL**

Library Director (LD) Barbara Morse introduced Ms. Tova Ramsdell, a local artist. Ms. Ramsdell stated she was born in Israel and moved to Florida in 1989. She became interested in the history of Leesburg when she purchased a home here four years ago. Through the help of the Heritage Museum, Ms. Ramsdell has created three charcoal portraits of Evander Lee which she is donating to the City. Ms. Ramsdell presented the portraits to Mayor Knowles. She is also working on portraits of previous owners of the Mote Morris House and will donate these as soon as they are complete.

**HEARD PRESENTATION ON AN OPPORTUNITY WITH PUBLIC GAS PARTNERS  
BY HARMON BYNUM, CITY ENGINEER FOR GAS DEPARTMENT**

Electric and Gas Director (EGD) Shank introduced City Gas Engineer (CGE) Harmon Bynum. CGE Bynum presented information on an opportunity for the future with Public Gas Partner. A copy of the presentation is attached. The opportunity may allow the City to lessen the volatility of gas prices even further by partnering in the purchase of proven (producing) natural gas wells. The City of Leesburg will purchase about 20% of its daily requirements through this opportunity and expects a margin in excess of \$0.50 per decatherm below the current market price.

Commissioner Puckett questioned where the wells are located. CGE Bynum stated the wells are mainly located in east Texas, Appalachian Mountains, Louisiana, Colorado, etc.

Commissioner Lovell questioned the volatility of gas pricing. EGD Shank stated the demand for gas has reached the level of supply. The volatility of gas pricing is based on how much gas is

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put into storage during the summer. A low storage amount during the summer will mean a higher price during the winter.

### **HEARD PRESENTATION ON CURRENT PROJECTS OF THE MANAGEMENT INFORMATION SERVICE (MIS) REPORT BY DIRECTOR STAN CARTER**

Management Information Service Director (MISD) Stan Carter presented an overview of the improvements MIS has made in the internal functions and the function-ability for employees. A copy of the presentation is attached. MISD Carter also gave a demonstration on the new Click2Gov system and the real time web camera currently being installed.

#### **PROCLAMATIONS:**

- A. Mayor Knowles proclaimed the ten year anniversary of the founding of the Leesburg Partnership and the year long celebration by reading the proclamation in its entirety.
- B. Mayor Knowles proclaimed the week of August 24 – 30, 2004 as Professional Firefighters of Leesburg Appreciation Week by reading the proclamation in its entirety.

#### **CONSENT AGENDA:**

Commissioner Puckett moved to approve the items on the Consent Agenda and Commissioner Perry seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission approved the Consent Agenda, as follows:

#### **RESOLUTIONS:**

##### **RESOLUTION 7180**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute a Satisfaction of Mortgage in favor of Little Mae Niblack for the purpose of satisfying a mortgage given to secure a city of Leesburg Housing Rehabilitation Program loan; and providing an effective date.

##### **RESOLUTION 7181**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute an agreement between the City of Leesburg and the State of Florida, Department of Transportation, for the purpose for funding by the Department of Landscaping Improvements to be made by the City along Highway 441 between College Road and Lakeshore Boulevard; and providing an effective date.

##### **RESOLUTION 7182**

A resolution of the City Commission of the City of Leesburg, Florida authorizing the City Manager to apply for a Community Development Block Grant Economic Development project for up to \$750,000.00 to provide infrastructure improvements; and providing an effective date.

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### **OTHER AGENDA ITEMS:**

1. Monthly Financial Report for July 2004
2. BPCA of \$17.50 per 1,000 kWh for September 2004

### **PUBLIC HEARINGS:**

### **ADOPTED ORDINANCE 04-56 AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP FROM COUNTY URBAN TO CITY GC FOR 5.22 ACRES ALONG HWY 468 AND WEST MAIN STREET (BERYL STOKES)**

CC Richardson read the ordinance, by title only as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing 5.22 acres and generally located north of State Road 44, and east of County Road 468, lying in Sections 21 and 28, Township 19 South, Range 24 East, Lake County, Florida, from County A (Agricultural) and R-6 (Urban Residential) to City GC (General Commercial); and providing an effective date.

Commissioner Puckett moved to approve the ordinance and Commissioner Perry seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 04-57 ANNEXING APPROXIMATELY .51 ACRES OWNED BY JOANNE L. NEUMAN REVOCABLE FAMILY TRUST AT THE NORTHEAST CORNER OF U.S. HIGHWAY 441 AND STEWART LANE; REZONING FROM COUNTY C-1 TO CITY C-3; AND PLACING THE PROPERTY IN COMMISSION DISTRICT 1**

CC Richardson read the ordinance, by title only as follows:

An ordinance annexing certain property owned by Joann L. Neuman Revocable Family Trust, said property consisting of approximately .51 acres and being generally located at the northeast corner of the intersection of U.S. Highway 441 and Stewart Lane, lying in Section 15, Township 19 south, Range 24 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said City as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be rezoned from County C-1 (Community Commercial) to City C-3

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(Highway Commercial); providing that said property shall be placed in Commission District 1; and providing for an effective date.

Commissioner Puckett moved to approve the ordinance and Commissioner Perry seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 04-58 AMENDING THE COMPREHENSIVE PLAN .51 ACRES AT INTERSECTION OF U.S. HWY 441 AND STEWART LANE FROM COUNTY URBAN EXPANSION TO CITY COMMERCE**

CC Richardson read the ordinance, by title only as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately .51 acre and generally located at the northeast corner of the intersection of U.S. Highway 441 and Stewart Lane, lying in Section 15, Township 19 south, Range 25 east, Lake County, Florida, from County Urban Expansion to City Commerce; and providing an effective date. (Joann Neuman Revocable Family Trust)

Commissioner Perry moved to approve the ordinance and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED RESOLUTION 7183 ACCEPTING AN ANNEXATION AGREEMENT**

Commissioner Perry introduced the resolution to be read, by title only. CC Richardson read the resolution, by title only, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing execution of an annexation agreement between the City of Leesburg and the Joann Neuman Revocable Family Trust, as developer; and providing an effective date.

Commissioner Perry moved to approve the resolution and Commissioner Puckett seconded the motion. The roll call vote was as follows:

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Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the resolution.

### **ADOPTED RESOLUTION 7184 ACCEPTING AN UTILITY EASEMENT**

Commissioner Lovell introduced the resolution to be read, by title only. CC Richardson read the resolution, by title only, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing execution of a utility easement agreement between the City of Leesburg and the Joann Neuman Revocable Family Trust, as developer: and providing an effective date.

Commissioner Lovell moved to approve the resolution and Commissioner Perry seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the resolution.

### **ADOPTED ORDINANCE 04-59 ANNEXING APPROXIMATELY 11.82 ACRES**

CM Stock stated staff met with one of the property owners being annexed involuntarily. The property owner explained if his property were annexed into the City, its current use would not conform to the zoning and thus would not be allowed. The property owner requested, and staff agreed, to not be annexed into the City at this time. Staff requests changing the annexation ordinance, comprehensive plan change ordinance, and rezoning ordinance to remove this property. This will change the acreage on three of the four ordinances.

Commissioner Lovell moved to approve amending the ordinances and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Christian	No
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Four yeas, one nay, the Commission approved amending the ordinances.

Attorney Steve Richey stated he would like this passed in order to close the subject.

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CC Richardson read the amended ordinance, by title only as follows:

An ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 11.82 acres and being generally located east of County Road 25a, and west of U.S. Highway 27, lying in Sections 02 and 03, Township 20 south, Range 24 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said City as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in Commission District 3; and providing for an effective date.

Commissioner Perry moved to approve the amended ordinance and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the amended ordinance.

### **ADOPTED ORDINANCE 04-60 AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP FOR APPROXIMATELY 8.8 ACRES FROM COUNTY URBAN TO CITY C**

CC Richardson read the ordinance, by title only as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 8.8 acres and generally located east of County Road 25a, and west of U.S. Highway 27, lying in Section 03, Township 20 south, Range 24 east, Lake County, Florida, from County Urban to City C (Commerce); and providing an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

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### **ADOPTED ORDINANCE 04-61 AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP OF APPROXIMATELY 2.79 ACRES FROM COUNTY URBAN TO CITY C**

CC Richardson read the amended ordinance, by title only as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 2.79 acre and generally located east of County Road 25a, and west of U.S. Highway 27, lying in Sections 02 and 03, Township 20 south, Range 24 east, Lake County, Florida, from County Urban to City C (Commerce); and providing an effective date.

Commissioner Lovell moved to approve the amended ordinance and Commissioner Perry seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the amended ordinance.

### **ADOPTED ORDINANCE 04-62 REZONING APPROXIMATELY 11.82 ACRES FROM C-2 TO CITY C-3**

CC Richardson read the amended ordinance, by title only as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately 11.82 acres generally located east of County Road 25a, and west of U.S. Highway 27, lying in Sections 02 and 03, Township 20 south, Range 24 east, Lake County, Florida, from County C-2 (Community Commercial) to City C-3 (Highway Commercial); and providing an effective date.

Commissioner Perry moved to approve the amended ordinance and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the amended ordinance.

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**ADOPTED ORDINANCE 04-63 ACCEPTING A SPECIAL WARRANTY DEED FROM CUTRALE CITRUS JUICES USA, INC., FOR PROPERTY ALONG LAKE STREET**

CC Richardson read the ordinance, by title only as follows:

An ordinance of the City of Leesburg, Florida, accepting a special warranty deed given by Cutrale Citrus Juices USA, Inc. as grantor to the City of Leesburg, as grantee, pertaining to land located in Section 23, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

Commissioner Puckett moved to approve the ordinance and Commissioner Perry seconded the motion.

Steve Richey, attorney for Cutrale Citrus Juices USA, thanked staff for their help in keeping Cutrale Citrus Juices USA in business within the City of Leesburg.

The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

**ADOPTED ORDINANCE 04-64 ACCEPTING AN UTILITY EASEMENT FROM THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA AT LEESBURG HIGH SCHOOL**

CC Richardson read the ordinance, by title only as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from the School Board of Lake County, Florida. as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 27, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

Commissioner Puckett moved to approve the ordinance and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

**ADOPTED ORDINANCE 04-65 ACCEPTING AN UTILITY EASEMENT FROM ROSEMARY P & JACK N. PURDUM, TRUSTEES BETWEEN SR 44 AND SR 44A**

CC Richardson read the ordinance, by title only as follows:



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An ordinance of the City of Leesburg, Florida accepting a utility easement from Rosemary P. Purdum and Jack N. Purdum, trustee, grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 16, Township 19 south, Range 25 east, Lake County, Florida; and providing an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 04-66 ACCEPTING AN UTILITY EASEMENT FROM DONALD & JUDITH SEITTER ALONG TREADWAY SCHOOL ROAD**

CC Richardson read the ordinance, by title only as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Donald Seitter, and Judith Seitter, grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 14, Township 19 south, Range 25 east, Lake County, Florida; and providing an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **INTRODUCED AN ORDINANCE ACCEPTING AN UTILITY EASEMENT FROM CURTIS ROSS ALONG US HWY 441 NEAR MICHIGAN AVENUE AND MOUNT VERNON STREET**

Commissioner Lovell introduced the ordinance to be read, by title only. CC Richardson read the ordinance, by title only, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Curtis Q. Ross, Jr., as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 6, Township 23 south, Range 26 east, Lake County, Florida; and providing an effective date.

Commissioner Christian left the room at 6:39 p.m. and returned at 6:41 p.m.

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**INTRODUCED AN ORDINANCE ACCEPTING AN UTILITY EASEMENT FROM IDA MORGAN AND DAYLE IRIS HART ALONG US HWY 441 NEAR JACKSON'S ADDITION TO NEWTON SUBDIVISION**

Commissioner Puckett introduced the ordinance to be read, by title only. CC Richardson read the ordinance, by title only, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Ida M. Morgan and Dayle Iris Hart, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 25, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

**INTRODUCED AN ORDINANCE ACCEPTING AN UTILITY EASEMENT FROM FLORIDA CONFERENCE, ASSOCIATION OF SEVENTH DAY ADVENTISTS ALONG TREADWAY SCHOOL ROAD**

Commissioner Perry introduced the ordinance to be read, by title only. CC Richardson read the ordinance, by title only, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Florida Conference, Association of Seventh Day Adventists, grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 14, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

Commissioner Lovell left the room at 6:40 p.m. and returned at 6:42 p.m.

**INTRODUCED AN ORDINANCE ACCEPTING AN UTILITY EASEMENT FROM ETHIRA J. RAMCHANDER AND SUMANTH PADMANABH ALONG NORTH BOULEVARD (US HWY 441)**

Commissioner Puckett introduced the ordinance to be read, by title only. CC Richardson read the ordinance, by title only, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Ethira J. Ramchander and Sumanth Padmanabh as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 25, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

**INTRODUCED AN ORDINANCE VACATING TRUMAN AVENUE AT LEESBURG HIGH SCHOOL**

Commissioner Puckett introduced the ordinance to be read, by title only. CC Richardson read the ordinance, by title only, as follows:

An ordinance of the City of Leesburg, Florida, providing for the vacating of Truman Avenue, said property generally located at Leesburg High School, between Mission Way and Meadows Avenue, lying in Section 27, Township 19 south, Range 24 east; reserving utility easements over the area of the vacated street; providing for the vesting of title and conveyance of same to the abutting and contiguous property owners; and providing for an effective date.

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### **INTRODUCED AN ORDINANCE VACATING MISSION WAY AT LEESBURG HIGH SCHOOL**

Commissioner Puckett introduced the ordinance to be read, by title only. CC Richardson read the ordinance, by title only, as follows:

An ordinance of the City of Leesburg, Florida, providing for the vacating of Mission Way, said property generally located at Leesburg High School, west of U.S. Highway 27, and south of Meadows Avenue, lying in Section 27, Township 19 south, Range 24 east; reserving utility easements over the area of the vacated street; providing for the vesting of title and conveyance of same to the abutting and contiguous property owners; and providing for an effective date.

### **INTRODUCED AN ORDINANCE AMENDING SECTIONS 4.16 (C) AND 4.16 (D) OF ORDINANCE 04-27 OF THE CITY OF LEESBURG LAND DEVELOPMENT CODE CREATING A CONTEMPORARY DESIGN OVERLAY DISTRICT AND A TRADITIONAL OVERLAY DISTRICT BOUNDARIES**

Commissioner Puckett introduced the ordinance to be read, by title only. CC Richardson read the ordinance, by title only, as follows:

An ordinance of the City of Leesburg, Florida, amending Sections 4.16(C) and 4.16(D) of ordinance no. 04-27, of the City of Leesburg Land Development Code, creating Contemporary Design Overlay District (CDO) and Traditional Overlay Design District (TDO) boundaries; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

### **INTRODUCED AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP DESIGNATION OF 3.16 ACRES FROM I TO GC**

Commissioner Perry introduced the ordinance to be read, by title only. CC Richardson read the ordinance, by title only, as follows:

An ordinance amending the comprehensive plan for the city of Leesburg, changing the future land use map designation of certain property containing 3.16 acres and generally located north of State Road 44, and east of County Road 468, lying in Sections 21 and 28, Township 19 south, Range 24 east, Lake County, Florida, from I (Industrial) to GC (General Commercial); and providing an effective date.

Commissioner Puckett left the room at 6:44 p.m. and returned at 6:47 p.m.

### **INTRODUCED AN ORDINANCE REZONING APPROXIMATELY 3.16 ACRES FROM M-1 TO C-3**

Commissioner Perry introduced the ordinance to be read, by title only. CC Richardson read the ordinance, by title only, as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately 3.16 acres generally located north of State Road 44 and east of County Road 468, lying in

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Sections 21 and 28, Township 19 south, Range 24 east, Lake County, Florida, from M-1 (Industrial) to C-3 (Highway Commercial); and providing an effective date.

### **PRESENTATION ON FIRE AND RESCUE SERVICES AGREEMENT WITH LAKE COUNTY BY FIRE CHIEF DENNIS SARGENT**

Chief Sargent present information on an updated agreement with Lake County which increases the area covered by an interlocal agreement. A copy of the presentation is attached. Chief Sargent stated the City has areas in the southern part of the City which are outside the minimal ISO coverage. This interlocal agreement will allow the County to cover the southern area until the Okahumpka station is economically feasible. There is an equalization clause in the interlocal agreement. The benefits of this interlocal agreement include: equalization between the City and County, back-up for multiple calls, and an increase in the depth of coverage to major incidents.

### **ADOPTED RESOLUTION 7185 AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE LAKE COUNTY BOARD OF COMMISSIONERS TO PROVIDE FIRE PROTECTION AND RESCUE SERVICES ON AN AUTOMATIC AND MUTUAL AID BASIS**

Commissioner Perry introduced the resolution to be read, by title only. CC Richardson read the resolution, by title only, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with the Board of County Commissioners of Lake County, Florida to provide fire protection and rescue services on an automatic and mutual aid basis; and providing an effective date.

Commissioner Perry moved to approve the resolution and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the resolution.

### **ADOPTED RESOLUTION 7186 APPROVING A ONE TIME CONTRIBUTION OF \$124,164 TO THE POLICE 185 PENSION PLAN**

Commissioner Lovell introduced the resolution to be read, by title only. CC Richardson read the resolution, by title only, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the City Manager and Finance Director to make a one time contribution of \$124,164 to the Police 185 Pension Plan and providing an effective date.

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Commissioner Perry moved to approve the resolution and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the resolution.

### **INTRODUCED AN ORDINANCE AMENDING THE 2003-04 BUDGET FOR THE GENERAL, CDBG, CAPITAL PROJECTS, COMMUNICATIONS, AND POLICE PENSION FUNDS**

Commissioner Lovell introduced the ordinance to be read, by title only. CC Richardson read the ordinance, by title only, as follows:

An ordinance of the City Commission of the City of Leesburg, Florida amending the Fiscal Year 2003-04 budget for the General, CDBG, Capital Projects, Communications and Police Pension Funds and providing an effective date.

### **ADOPTED RESOLUTION 7187 ADOPTING THE PAY CLASSIFICATION PLAN FOR 2004-2005**

Commissioner Puckett introduced the resolution to be read, by title only. CC Richardson read the resolution, by title only, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the City Manager and Finance Director to implement the approved Classification and Pay Plan which resulted from the 2004 Salary Survey conducted by the City of Leesburg Human Resource Department, and providing an effective date.

Commissioner Lovell moved to approve the resolution and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	No
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Four yeas, one nay, the Commission adopted the resolution.

### **SET IMPLEMENTATION SCHEDULE FOR THE APPROVED SALARY CHANGES**

CM Stock stated staff recommends giving one half of the salary increase become effective 10/1/04 and the other half be implemented on 10/1/05. Two other options are 1) give the entire increase six months into the new fiscal year or 2) delay the first increase for three months and then give the remaining portion nine months into the year.

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Commissioner Lovell moved to approve staff recommendation of giving one half of the increase on 10/1/04 and the remaining portion on 10/1/05. Commissioner Perry seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission approved staff's recommendation.

### **APPROVED FUNDING FOR CIVIC ORGANIZATIONS FOR THE FISCAL YEAR 2004/05 BUDGET**

Mayor Knowles thanked all the organizations who gave reports at the last meeting.

Commissioner Christian stated several groups such as Community Crusaders, Miss Leesburg, had several Commissioners recommend funding but were not given funding. Commissioner Christian requests reconsidering and providing funding for those programs.

Commissioner Puckett stated there are two new funds being funded. Staff needs to stick to the budget as proposed and not throw it away. Commissioner Puckett also stated the Boys and Girls Club thanked the City for an additional \$5,000. CM Stock stated he gave the Boys and Girls Club \$5,000 from his contingency fund to help their AAU thirteen and under girls' basketball team attend a national tournament. The team came in second place.

CM Stock read the revised funding list. He stated in order to receive funding, at least three Commissioners needed to request funding for an organization. The total for the organization was then found and divided by five to derive the amount to be funded.

Commissioner Puckett commended CM Stock on a good job.

Commissioner Perry moved to adopt the revised Civic Group funding as stated on the report. Commissioner Puckett seconded the motion.

Commissioner Christian requested the list be reviewed again.

The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	No
Commissioner Lovell	No
Mayor Knowles	Yea

Three yeas, two nays, the Commission approved the Civic Grouping funding.

## **MINUTES OF THE AUGUST 23, 2004 CITY COMMISSION MEETING**

### **FINAL CHANGES TO THE FISCAL YEAR 2004-05 BUDGET**

Commissioner Perry stated he has one classification change. Funds for communication lobbying should be placed in the Communication Fund budget. This will allow for better tracking of costs associated with the Communication Fund budget.

EGD Shank recommended the item be shared 50/50 between Electric and Communication. Commissioner Perry moved to shift the funds to be shared between the Electric and Communication Funds. Commissioner Puckett seconded the motion and it passed unanimously.

#### **CITY ATTORNEY ITEMS:**

A. CA Morrison stated a noise ordinance is being drafted. One of the industries making the noise has continued unabated and has become a problem to the nearby residents. One suggestion was to revoke the occupational license. The term license is misleading in this case, as the occupation license is really a tax, a revenue maker. The revocation of the license would require a judicial hearing in front of the City Commission. CA Morrison recommends the City seek an injunction against Leesburg Concrete as a nuisance and then move forward to revoke the license. This will eliminate several issues and give a better legal approach. This can be done before the noise ordinance is in place.

Commissioner Perry stated he mentioned the verbiage of the occupational license, but he did not intend to revoke the license of a business due to the verbiage. It is important to impress upon businesses and neighbors to be sensitive to the rights of their neighbors. This needs to be handled in a friendly way.

Commissioner Lovell agreed with Commissioner Perry. He stated the issue at hand is basic justice.

Commissioner Puckett stated there is another concrete company behind Stock Subdivision that causes noise problems. CA Morrison stated the problem with Leesburg Concrete is because it is a 24-hour operation. The noise ordinance will target the company behind Stock Subdivision.

Commissioner Christian stated, for the record, the last time this issue was brought up, the Commission was informed Leesburg Concrete was working 24 hours in order to make steps for the schools. The Commission then backed off because they were assured the work would be less once schools started. The Commission needs to send a message that companies need to work with their neighbors.

Carrie Williams, a concerned citizen, distributed a copy of the Conditional Use Permit for Leesburg Concrete. In 1973, the City gave Leesburg Concrete conditions in which the company was told they could run their business in that location. The work was supposed to be inside with no noise and no dust. She stated she moved into her house in 1962.

Mr. Archie Lowery, attorney representing Lannie Thomas and Leesburg Concrete, stated his client wants to try to resolve the problem. Attorney Lowery stated he is not aware of any code violations.

Lannie Thomas, owner and operator of Leesburg Concrete Company, stated no one in his business has stated they would do business the way they want to do business. No one has spoken to them about this problem until the past month. He has been a resident of this area since 1979. Leesburg Concrete was begun in 1972; Mr. Thomas purchased the business in 1983. The

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employees of the plant are residents of Leesburg and live and shop in Leesburg. There are about 80 employees. The business sells wheelchair ramps and steps throughout the southeastern United States. Schools are major part of his business. They have been operating 24/7 to meet the commitments. There are no existing City ordinances which they are in violation. Mr. Thomas stated he has been operating the plant personally. He has turned off and down the radios, changed the mixers and begun running them half the time, trained employees to properly use the equipment, and are changing their operations to become better neighbors. All night time operations are now suspended as of Tuesday, August 17, 2004. In order to reduce complaints about the business, this summer Mr. Thomas signed a sales contract to purchase property to relocate the business to an existing industrial property on Thomas Road. With the City's cooperation, the business will move there within 90 days of the closing and be fully operational there within the year. Leesburg Concrete will be able to refrain from night time work until relocation, if timely approval is given.

Commissioner Christian thanked Mr. Thomas for coming to the Commission meeting and taking the move to refrain from nighttime operations.

Commissioner Perry moved to proceed with the noise ordinance, but to table this issue until such time as these issues come back to light.

CA Morrison noted the alternate site was first brought to light in 2000 and no moves have been made as of this time.

Lannie Thomas stated vacant land was purchased in 2000. The terrorist strike in 2001/2002 had a negative impact on business. He now has found an alternative property with 20,000 square feet of building to move to until such time as the company is able to build on the previously purchased property.

Commissioner Perry moved to table this issue for 90 days in order to get the progress from staff. CA Morrison stated there are two things which play a part – there is an appeal on the CUP on the other parcel, and the need for a CUP on the new site. Therefore, the Commission could table this topic until those two items are decided. A decision will be made by the end of September.

Commissioner Perry moved to table this issue until the end of September and then get an update on the progress. Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Four yeas, no nays, the Commission moved to table this issue until the end of September.

Commissioner Puckett left the meeting at 7:38 p.m.

### **CITY MANAGER ITEMS:**

A. CM Stocked stated he was approached by David Nobles to purchase parcel 113A at Newell Hill Road. This property was under contract by Giselle Newell however no closing took place during the allotted time within the contract. Staff recommends authorization is given to advertise the sale of the property to anyone interested in submitting a sealed bid on the property by a specific date.



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Jim Miller, ERA real estate agent for Giselle Newell, stated his client is now willing and able to close on the property. She would like to purchase the property.

CA Morrison stated the problem with the contract is that it did not adequately identify the property for purchase. The purchaser was not able to provide a legal description. The City requested a survey which the buyer did not want to get done. Therefore, there is not a legally binding contract.

Commissioner Perry moved to advertise this property and receive sealed bids. Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Four yeas, no nays, the Commission approved advertising this property and receiving sealed bids.

B. CM Stock introduced Interim Deputy City Manager (IDCM) Lora Bailey who gave a brief report on Hurricane Charley preparedness and mutual aid given to other cities such as Fort Meade. A copy of the presentation is attached. The City of Leesburg supplied people and materials to those in need.

CM Stock stated the positive side of this situation was the “dry run” of disaster. The City will be better prepared for when a real disaster hits. CM Stock thanked IDCM Bailey and Finance Director Bill Pfeilsticker for all their work and help.

C. CM Stock stated interviews for the Deputy City Manager position will be held on Friday. There are four candidates to be interviewed.

D. CM Stock stated he will be on vacation from September 5- 21, 2004.

### **ROLL CALL:**

Commissioner Lovell - stated he is happy the City has put in underground wiring. This will be a savings during a disaster. Also, there are 1,000 people moving to Florida each day – many of whom settle into Central Florida. We need to tell them we have hurricanes and it is not safer here.

Commissioner Perry – none

Commissioner Christian – invited Reverend Middleton to speak. Reverend Middleton stated he is closing his doors since he didn’t receive any funding from the City. He stated this is like a funeral for him. Reverend Middleton stated he was sorry the City Commissioner cannot see the need for his group.

CM Stock suggested Reverend Middleton perhaps could work with Dabney Minattee to help keep his facility open this year. Dabney Minattee is receiving funding but may not have a need this year for all the funding they are to receive.

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Mayor Knowles – stated he was very proud to see the City of Leesburg had people, supply goods and services ready if the need arose. We were luckily spared this time.

Commissioner Lovell moved to adjourn the meeting and Commissioner Perry seconded the motion. The meeting adjourned at 8:05 p.m.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

*Diane Gibson Smith*  
Recorder

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